

Minutes of a Regular Meeting Town of Los Altos Hills PLANNING COMMISSION

THURSDAY, November 1, 2007, 7:00 p.m.
Council Chambers, 26379 Fremont Road

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Carey, Commissioners Clow, Collins, Cottrell and Harpootlian

Staff: Debbie Pedro, Planning Director; Brian Froelich, Associate Planner; Nicole Horvitz, Assistant Planner; Leslie Hopper, Contract Planner; and Victoria Ortland, Planning Secretary

2. PRESENTATIONS FROM THE FLOOR - none

3. PUBLIC HEARINGS

- 3.1 Amendment to the Zoning ordinance with regard to ESTATE HOMES. (Section 10-1.508) The draft ordinance would require that the Planning Commission review all proposed new residences over 10,000 square feet and require additional setback standards to estate homes.

Brian Froelich, Associate Planner explained that the purpose of the noticed public hearing was to forward a Planning Commission recommendation on the amendment to the Estate Homes Ordinance to the City Council.

Chairman Carey asked what noticing procedure had been followed for the public hearing.

Brian Froelich replied that the notice had been published in the local newspaper, the Los Altos Town Crier, and had been posted at three locations in the Town.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Chairman Carey recommended that the wording on page 2 of the proposed ordinance in C. 1 regarding side and rear setbacks, be changed from 30 feet to 33 feet to reflect information in the accompanying table.

Commissioner Harpootlian asked for further explanation on the last sentence in section G. The ordinance wording was confusing as to what portion of the existing building and new addition

would be subject to the increased setback. He proposed the wording “All portions of the addition where the total is over 10,000 square feet shall be subject to increased setbacks”.

Commissioner Clow suggested that for all proposed additions that would increase the total building size to over 10,000 square feet, the entire addition must meet the setbacks for the resulting total for the building size.

MOTION AMENDED, SECONDED AND PASSED: Motion by Commissioner Clow and seconded by Commissioner Cottrell to forward a recommendation to the City Council to adopt the proposed amendment to the Estate Homes ordinance with a change in C.1 to 33 feet and a sentence revision in G to read “For additions that bring the total floor area of the building to an amount over 10,000 square feet, the project shall be subject to the Estate Homes Ordinance”.

AYES: Chairman Carey, Commissioners Clow, Collins, Cottrell and Harpootlian

NOES: none

This recommendation will be forwarded to the City Council to be heard at a future meeting.

- 3.2 **AMENDMENTS TO THE LOS ALTOS HILLS GENERAL PLAN** including an updated Safety Element and Noise Element. The updated documents comprise Phase 2 of the General Plan update project. The purpose of the project is to correct errors and obsolete references and to produce a more accurate, legible, and reproducible document that accurately depicts existing conditions in the Town. The proposed amendments do not include any changes in land use designations.

Leslie Hopper, Contract Planner, presented the staff report on the second phase of the General Plan update project. The General Plan Ad-Hoc Committee’s revision of the Safety and Noise Elements included updated information, improved format, new graphics and the reviewed policies and programs. Most of the policies and programs in the updated document are from the existing elements with a few additions. She pointed out the wording for new Program 4.7 under Fire Hazards, “Emergency access roads shall be maintained by the Los Altos Hills County Fire District according to District fire road standards and consistent with pathway requirements”. The Program is in line with City Council direction and the Los Altos Hills County Fire District has agreed to maintain the fire roads. However, during the General Plan Committee meetings, it was discussed that certain fire roads used also by pedestrians and equestrians have existing paving which can be slippery for horses and people. Since change is not possible for all cases, staff is recommending adding the qualifier “to the maximum extent possible”. Leslie continued and mentioned the commitment to encourage the Neighborhood Watch Program, the on-going commitment to the Santa Clara County Hazardous Waste Program, and the new policies under Disaster Response. In the Noise Element, under Noise Environment, Program 1.1 commits the Town to update the Noise Ordinance to “provide for clear interpretation of the regulations and appropriate standards based on the A-weighted scale”. The correction is needed as the existing Noise Ordinance standards are based on the C-weighted scale (which is practically unobtainable) and most other cities use the A-weighted scale (which is closest to human hearing). The Policy on sound walls has also received some revision.

Comments had been received from the Town's noise consultant recommending a change to Policy 2.2 to read "Residential construction in high noise level areas shall include provisions for structural insulation as necessary to ensure an interior noise level of CMEL 45 DB or less". This was considered by the noise consultant as a reasonable standard and is included in the Uniform Building Code as a requirement under Title 24 for multi-family housing, apartments and hotels.

Discussion ensued among the Commissioners regarding the required DB level of the policy, what procedures (i.e. insulation) could be implemented to help attain that level and how the DB level could be measured in residential construction. There was concern over the added cost to the homeowner.

Commissioner Clow suggested "as necessary to ensure maximum possible noise attenuation to reach 45 DB or less". He felt the strength of the proposed wording might cause the need for a consultant to complete noise calculations at the end of a building project.

Debbie Pedro suggested the wording "to ensure maximum possible noise attenuation and to encourage an interior noise level of 45 DB or less".

Leslie stated that comments had also been received from Town resident, Alex Atkins, regarding Program 1.1 in the Noise Element. He suggested the wording "Update the Noise Ordinance to provide for clear interpretation of the regulations with effective and unambiguous enforcement of appropriate standards based on the A weighted scale". Mr. Atkins also recommended the addition of discussion under Fire Hazards, paragraph 825, to be specific and include eucalyptus trees with the fact that they cause a significant fire risk. Another change he wanted was for the Safety Element, program 4.3 to read; "Educate property owners on the benefits of reducing and mitigating fire hazards with specific emphasis on the danger of eucalyptus trees".

Mike O'Malley, Edgerton Road and Chairman of the Ad-Hoc General Plan Committee, stated that the comments of Mr. Atkins were taken at a meeting when he was absent. The General Plan Committee was working with the input of Town Committees at their meetings and the public was invited to make their comments at the Planning Commission and City Council meetings. The Committee was trying not to put too much specificity into the General Plan and believed the specifics should evolve from the Town ordinances.

The General Plan should recognize that properties located in high noise corridors should take steps to minimize or reduce noise inside the home. The City Council has addressed the eucalyptus issue four or five times in the last year and will continue to do so. The General Plan reflects that there is fire risk in Los Altos Hills and the Town should keep up specific programs such as tree trimming and tree removal. The Noise Ordinance is in conflict with the General Plan as it is now stated as well as the prior General Plan. The current ordinance is nearly impossible to enforce, at 40 DB at the property line.

Chairman Carey wondered if the instruction in the General Plan to update the Noise Ordinance was too specific. When the Noise Ordinance update is complete, the directive will still remain in the General Plan.

Mike O'Malley responded that often a General Plan makes this type of recommendation.

OPENED PUBLIC HEARING

Roy Woolsey, Snell Lane, explained that about six years ago, he was unable to enjoy his patio due to loud noise coming from air conditioner units located at a neighboring property. This experience prompted him to measure the levels of many sound sources with a noise meter. He concluded that the Town's existing Noise Ordinance was reasonable and should be maintained. He suggested the current levels be written into the Noise Element. He stressed the importance of distinguishing between sources of continuous noise compared to sources of occasional noise. Mr. Woolsey suggested that in Program 1.4, page 8, there should be an additional sentence reading "Standards should be more stringent for these types of equipment which produce continuous noise than for sources which create noise only occasionally". He suggested that all applicants and contractors receive a copy of the Town Noise Ordinance before they begin development projects.

George Kirkpatrick, Purissima Road, commented on "reflected" noise from sound walls and buildings. He encouraged reflected noise to be considered continuous noise with limitations written into the Noise Ordinance.

Rahmat Karimi, Cumbra Vista Court, asked about "quiet asphalt" and the possibility of using it on Interstate 280 between Magdalena Avenue and Page Mill Road.

Chairman Carey pointed out the proposed sentence in 1.5, page 8, of the General Plan that encouraged the use of quiet paving materials in Town including on Interstate 280.

CLOSED PUBLIC HEARING

Commissioner Cottrell commented that the Town's Noise Ordinance should be amended to reflect the A scale. Roy Woolsey's point concerning continuous versus intermittent noise was important but should be addressed with regulation change rather than a specific statement in the General Plan Noise Element. The purpose of the General Plan was not to establish standards but to encourage regulations and ordinances to set new standards.

Commissioner Collins agreed with Commissioner Cottrell's statements that the General Plan is for general not specific direction. She supported Roy Woolsey's comments about having more stringent requirements for consistent noise as opposed to intermittent sound included in the Noise Ordinance.

After brief discussion of the issue, Commissioners Clow, Harpootlian, Collins and Cottrell supported the addition of Mr. Woolsey's comments in the General Plan.

Commissioner Collins continued and requested a correction to the wording in the yellow box on page 4 to "15 minute" from "15 minutes".

Commissioner Clow supported the inclusion of Roy Woolsey's sentence and Alex Atkin's comment regarding the Noise Ordinance being effective and enforceable in the General Plan.

Commissioner Harpootlian did not see the relevance of Table 7.4 on page 10. He did not agree with the sound wall restriction on private property in Policy 2.4. He felt the goal of Program 1.1 was vague and suggested the addition of wording to attempt to meet ambient noise levels.

Chairman Carey generally supported the Noise Element with the proposed amendments. He felt that the common reasons to prohibit walls do not apply along Interstate 280 since visual blight is not such a concern in that location. He did not support inclusion of Policy 2.4 in the revision.

MOTION SECONDED AND PASSED: Motion by Commissioner Clow and seconded by Commissioner Harpootlian to forward the recommendation for approval to the City Council to adopt the Noise Element with the following wording additions to Program 1.4 "standards should be more stringent for those types of equipment which produce continuous noise"; to 1.1 "provide for effective enforcement"; to 2.2 "as necessary to ensure maximum possible noise attenuation, targeting an interior noise level of 45 decibels or less"; and to Program 1.1 "in order to protect residents from unwanted noise, thereby assuring their continued enjoyment of the quiet, peaceful community envisioned in the Introduction to the General Plan". Also, change the "prohibition" of sound walls to "discouragement" of sound walls along the Interstate 280 corridor (Policy 2.4).

AYES: Chairman Carey, Commissioners Clow, Collins, Cottrell and Harpootlian

NOES: None

This recommendation will be forwarded to a future City Council meeting.

Ray Collins requested that the photo of the emergency generator on page 16 be eliminated from the Safety Element. She stated that the maps on page 7 and page 9 need some identifying features and street names. She also felt that Program 6.3, on page 14, regarding hazardous waste was unnecessary considering the convenience of the Santa Clara County Hazardous Household Waste Program.

Commissioner Cottrell suggested added the wording "encourage the Santa Clara County Hazardous Household Waste Program to publicize the location and dates that are convenient for Los Altos Hills residents".

Commissioner Harpootlian commented on the location of the water tank shown by the map on page 7. Large water tanks are a hazard and water flow in the event of a rupture should be considered and mapped.

Commissioner Harpootlian asked about the role of the Neighborhood Watch Program.

Debbie Pedro explained that the Neighborhood Watch Program is implemented as a voluntary crime prevention measure.

Commissioner Clow supported Alex Atkin's suggested additions regarding eucalyptus trees to the Safety Element.

Chairman Carey did not support the inclusion of the reference to eucalyptus trees. He suggested the addition to Goal 7.6 regarding response to emergencies, that the Town's emergency notification phone system (mentioned in Law Enforcement goal number 5.6) be used to coordinate and alert residents to emergencies.

Commissioner Collins did not support the addition of the wording on eucalyptus trees.

Chairman Carey complimented the General Plan Committee on the wonderful job they have done in updating the Town's General Plan.

Commissioner Harpootlian suggested the change in wording throughout the document from "structural fire" to "building fire".

MOTION SECONDED AND PASSED: Motion by Commissioner Cottrell and seconded by Commissioner Collins to forward the recommendation for approval to the City Council to adopt the Safety Element with the following changes: make the wording consistent between Programs 5.3 and 7.3; modify Program 6.3 to add the word "advertise" drop-off days; and add identifying features to maps on page 7 and 9.

AYES: Chairman Carey, Commissioners Clow, Collins, Cottrell and Harpootlian

NOES: None

This recommendation will be forwarded to a future City Council meeting.

Discussion ensued over the need to specifically include eucalyptus trees in paragraph 825.

MOTION SECONDED AND PASSED: Motion by Commissioner Clow and seconded by Commissioner Harpootlian to forward the recommendation for approval to the City Council to adopt the Safety Element with a change to paragraph 825 to read "particularly Blue Gum Eucalyptus" after "high risk vegetation species".

AYES: Commissioners Clow, Collins, Cottrell and Harpootlian

NOES: Chairman Carey

This recommendation will be forwarded to a future City Council meeting.

4. OLD BUSINESS

4.1 Development Area Credits and Semi-Permeable Materials Information Brochure

The Planning Commissioners congratulated staff for the good job done on the informational brochure.

Commissioner Harpootlian asked about water runoff and the possibility of permeable materials being integrated to help reduce runoff.

Debbie Pedro stated that the Town's Interim City Engineer could write a short explanation on the requirements for water runoff retention and semi-permeable materials.

NEW BUSINESS

5.1 Temporary Signs and Banners Policy

Nicole Horvitz presented the staff report and explained the need for temporary banners and signs in Town to advertise public events and charitable functions. The current Sign Ordinance regulates real estate and election signs. Temporary signs are permitted but must have City Council approval before posting and there are no regulations for size, color or location. The proposed Temporary Sign and Banner Policy would limit sign and banner size to a maximum of 16 square feet and prohibit placement in easements, pathways or placement that obstructed view of traffic at intersections. Display of the signs or banners would be limited to 30 days at a time, twice a year for the same organization.

Planning Commission and staff discussed the current Sign Ordinance and the proposed changes created by the Temporary Signs and Banners Policy.

MOTION SECONDED AND PASSED: Motion by Chairman Carey and seconded by Commissioner Collins to forward a recommendation to the City Council to adopt the Temporary Signs and Banners Policy with staff clarification to the language in regard to administrative approval with no fee for the application.

AYES: Chairman Carey, Commissioners Clow, Collins, Cottrell and Harpootlian

NOES: none

This recommendation will be forwarded to a future City Council meeting.

5.2 Water Conservation Ad Hoc Committee Report

Commissioner Harpootlian explained the formation, purpose and goals of the Water Conservation Ad Hoc Committee.

Discussion ensued about landscape water meter installations, recent State rulings and water conservation measures.

5.3 Holiday Meeting Schedule

The regular Planning Commission meeting for December 6, 2007 was cancelled and the regular meeting scheduled for January 3, 2008 was changed to January 17, 2008.

5.4 City Council Attendance Update

6. REPORT FROM THE CITY COUNCIL MEETING

- 6.1 Planning Commission Representative for October 11th - Commissioner Clow
- 6.2 Planning Commission Representative for October 25th - Commissioner Cottrell reported on the Los Altos Garbage rate increase and the proposed renovations to Westwind Barn.
- 6.3 Planning Commission Representative for November 8th – Commissioner Carey
- 6.4 Planning Commission Representative for November 22nd - Cancelled

7. APPROVAL OF MINUTES

- 7.1 Approval of October 4, 2007 minutes.

MOTION SECONDED AND PASSED BY CONSENSUS: Motion by Commissioner Cottrell and seconded by Commissioner Clow to approve the October 4, 2007 minutes as presented.

8. REPORT FROM FAST TRACK MEETING – OCTOBER 9 AND OCTOBER 23, 2007

- 8.1 LANDS OF RYAN, 26023 Alicante Lane, File #130-07-ZP-SD-GD; A request for a Site Development Permit for a 2,075 square foot new residence and detached garage (maximum height: 20'). CEQA Review: Categorical Exemption per Section 15303 (a) (Staff-Brian Froelich) (Approved with conditions).
- 8.2 LANDS OF GIGLI COURT ESTATES, 12369 Gigli Court, File #112-07-ZP-SD-GD; A request for a Site Development Permit for a 5,356 square foot new residence (max height 32 feet). CEQA Review: Categorical Exemption per Section 15303 (a) (Staff-Brian Froelich) (Approved with conditions).
- 8.3 LANDS OF CHEN & WANG, 13751 La Paloma Road, File #98-07-ZP-SD-GD; A request for a Site Development Permit for a 5,739 square foot single story new residence (maximum height: 22'6") with a 570 square foot pool. CEQA Review: Categorical Exemption per Section 15303 (a) and (e) (Staff- Nicole Horvitz) (Approved with conditions).
- 8.4 LANDS OF LOS ALTOS HOMES, LLC, 26462 Purissima Road, File #166-07-ZP-SD-GD; A request for a Site Development Permit for a new 10,962 square foot two-story residence (maximum height: 27 feet), a 960 square foot single story secondary dwelling unit, and a 1,200 square foot swimming pool and spa. CEQA Review: Categorical Exemption per Section 15303 (a) & (e) (Staff-Brian Froelich) (CONTINUED TO A FUTURE PLANNING COMMISSION MEETING).

9. REPORT FROM SITE DEVELOPMENT MEETING – OCTOBER 9, OCTOBER 16
AND OCTOBER 23, 2007

- 9.1 LANDS OF MEHTA, 14293 Saddle Mountain Drive, File #108-07-ZP-SD; A request for a Site Development Permit for a 523 square foot second story addition. CEQA review: Categorical Exemption per Section 15301(e) (Staff-Nicole Horvitz) (Approved with conditions).
- 9.2 LANDS OF KOLLURI, 24749 Olive Tree Lane; File #169-07-ZP-SD; A request for a Site Development Permit for a 608 square foot swimming pool. CEQA review: Categorical Exemption per Section 15303(e) (Staff-Nicole Horvitz) (Approved with conditions).
- 9.3 LANDS OF PLOTKIN, 26870 Taaffe Road, File #165-07-ZP-SD; A request for a Site Development Permit for a 767 square foot pool & spa. CEQA review: Categorical Exemption per Section 15303(e) (Staff-Nicole Horvitz) (Approved with conditions).

10. ADJOURNMENT

The meeting was adjourned by consensus at 9:34 p.m.

Respectfully submitted,

Victoria Ortland
Planning Secretary